

1 THOMAS P. O'BRIEN
United States Attorney
2 CHRISTINE C. EWELL
Assistant United States Attorney
3 Chief, Criminal Division
STEVEN R. WELK
4 Assistant United States Attorney
Chief, Asset Forfeiture Section
5 Frank D. Kortum
Assistant United States Attorney
6 California Bar Number 11094
Asset Forfeiture Section
7 1400 United States Courthouse
312 North Spring Street
8 Los Angeles, California 90012
Telephone: (213) 894-5710
9 Facsimile: (213) 894-7177
Email: Frank.Kortum@usdoj.gov

JS - 6
cc: see G - 75 attached

10 Attorneys for Plaintiff
11 United States of America

12 UNITED STATES DISTRICT COURT
13
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA
15 SOUTHERN DIVISION

16 UNITED STATES OF AMERICA,) SACV 06-567-DOC (RNBx)
17)
18 Plaintiff,)
19)
20 v.) CONSENT JUDGMENT
21)
22 \$79,258.40 IN BANK ACCOUNT)
23 FUNDS)
24)
25 Defendant.)
26)
27 Chi Mak)
28)
29 Claimant.)
30)

31 Pursuant to stipulation by and between Plaintiff United
32 States of America and claimant Chi Mak and good cause appearing,
33 the court hereby finds and ORDERS as follows:

34 1. On June 20, 2006, plaintiff United States of America
35 commenced this judicial forfeiture action by filing a complaint
36 alleging that the defendant \$79,258.40 in Bank Account funds

1 ("defendant funds") were forfeitable to the United States
2 pursuant to 21 U.S.C. §981(a)(1)(A) and (C). Chi Mak has filed a
3 statement of interest to contest the forfeiture of his interest
4 in the defendant funds. Notice of this action was published in
5 accordance with law, no other parties have filed claims and
6 answers, and the time for filing such claims has expired.
7 Accordingly, all potential claimants other than Chi Mak are
8 hereby deemed to admit the allegations of the complaint.

9 2. This Court has jurisdiction over the subject matter of
10 the present action and over the parties to this agreement.

11 3. The Complaint states a claim for relief against the
12 defendant funds under 21 U.S.C. § 981(a)(1)(A) and (C).

13 4. The United States Marshals Service ("USMS"), its
14 representatives and agents, shall retain custody of the
15 defendant funds until Chi Mak is sentenced in the
16 matter of United States v. Mak, et al., CR 05-293-CJC
17 ("Criminal case").

18 5. After Chi Mak is sentenced in the Criminal case, USMS
19 shall pay the defendant funds as follows:

20 (A) If a fine is imposed in the Criminal case,
21 and the amount of the fine is greater than or
22 equal to the amount of the defendant funds,
23 then 100% of the defendant funds shall be
24 paid by USMS to the Clerk, United States
25 District Court, towards Chi Mak's fine.

26 (B) If a fine is imposed in the Criminal case,
27 and the amount of the fine is less than the
28 amount of the defendant funds, then the

1 defendant funds shall be paid first, to the
2 Clerk, United States District Court, to pay
3 Chi Mak's fine in full. The amount remaining
4 after payment to the clerk, if any, shall be
5 returned to Chi Mak, care of his undersigned
6 counsel, by check payable to "Kaye, McLane &
7 Bednarski Client Trust Account" and mailed to
8 Ronald Kaye, care of Kaye, McLane &
9 Bednarski, 128 North Fair Oaks Avenue
10 Pasadena, California 91103.

11 (C) If no fine is imposed in the Criminal case,
12 then the defendant funds shall be distributed
13 as follows:

- 14 1. \$50,000 shall be condemned and forfeited
15 to the United States of America.
- 16 2. \$29,258.40 shall be returned to Chi Mak,
17 care of his undersigned counsel, by
18 check payable to "Kaye, McLane &
19 Bednarski Client Trust Account" and
20 mailed to Ronald Kaye at the address set
21 forth above.

22 6. Upon the distribution of any portion of the defendant
23 funds to the United States pursuant to the forfeiture provisions
24 of paragraph 7(B) or 6(C), all right, title, and interest of Chi
25 Mak and all other potential claimants in such funds shall be
26 condemned and forfeited to the United States without further
27 order of this Court, and the United States shall have judgment as
28 to the interests of these persons and entities in such funds.

1 7. Except as to such rights and obligations created by
2 this agreement, Chi Mak shall release and hold harmless the
3 United States, and any agents, servants, and employees of the
4 United States (or any state or local law enforcement agency)
5 acting in their individual or official capacities, from all
6 claims, actions or proceedings by him and his agents, including,
7 but not limited to, any claim for attorney's fees and/or costs,
8 or interest, which may hereafter be asserted or brought by him or
9 on his behalf which arise out of the present action.

10 8. The parties to the stipulation shall execute all
11 documentation necessary to carry out the disposition of the
12 defendant funds in accordance with this Order.

13 9. Each party shall bear its own costs of litigation and
14 attorney's fees. Each party waives its right to appeal. Entry
15 of this Consent Judgment constitutes a certificate of reasonable
16 cause pursuant to 28 U.S.C. § 2465(a)(2).

17
18 ///

19 ///

20 ///

21 ///

1 10. The Court retains jurisdiction over this case and the
2 parties hereto to effectuate the terms of this settlement.

3 11. The clerk is hereby directed to enter this consent
4 judgment, which constitutes a final judgment resolving this
5 action.

6 SO ORDERED.

7
8 DATED: March 14, 2008


HON. DAVID O. CARTER
United States District Judge

9
10 PRESENTED BY:

11 THOMAS P. O'BRIEN
12 United States Attorney
13 CHRISTINE C. EWELL
14 Assistant United States Attorney
15 Chief, Criminal Division
16 STEVEN R. WELK
17 Assistant United States Attorney
18 Chief, Asset Forfeiture Section
19
20
21
22
23
24
25
26
27
28

16 FRANK D. KORTUM
17 Assistant United States Attorney
18 Attorneys for Plaintiff
19 United States of America
20
21
22
23
24
25
26
27
28